

Wetlands Bureau Decision Report

Decisions Taken
10/06/2008 to 10/12/2008

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2005-01910 VAILAS, NICHOLAS
ERROL Clear Stream

Requested Action:

Amend permit to include an additional 25 linear feet of rip-rap along Clear Stream to protect an existing snowmobile trail and existing fence line for a buffalo pasture.

Inspection Date: 06/30/2003 by Craig D Rennie

APPROVE AMENDMENT:

Amend permit to read: Impact approximately 5,750 square feet within the bed and bank of Clear Stream to install rip-rap along 575 linear feet of an actively eroding bank to protect a major snowmobile trail and existing fencing line for a buffalo pasture.

With Conditions:

1. All work shall be in accordance with plans by the Horizons Engineering, as received by the Department on January 9, 2006, and in accordance with revised plans by the applicant dated September 30, 2008
2. Additional request to dredge and fill areas within the bed and banks of Clear Stream at this location shall not be considered or approved by DES until a complete analysis and assessment has been conducted by the applicant to determine a more effective, long-term solution, which alleviates the deposition and erosion problem and has a lesser degree of environmental impact.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. The project is classified as a Major Project per NH Administrative Rule Wt 303.02(i), as impacts within the bed and bank of Clear Stream are greater than 200 linear feet.
2. The project was necessary to protect a major snowmobile trail and existing fencing line for a buffalo pasture.
3. DES Staff inspected this site on June 30, 2003, and concurred that Clear Stream is actively migrating with lateral bank erosion, and that eventually the stream will threaten the existing infrastructure on the property.
4. The project was issued emergency approval on August 24, 2005 in accordance with Rule Wt 503.01.
5. DES finds that installing rip-rap along the bank of Clear Stream is only a temporary solution to active stream migration and lateral bank erosion; therefore, additional request to impact this area of Clear Stream shall not be considered or approved until a complete analysis and assessment has been conducted by the applicant to determine a more effective, long-term solution, which alleviates the deposition and erosion problem.
6. Public hearing is not required with the finding that the project will not impact wetland areas that are considered to be of special value from a local, regional, or state perspective.

2007-02968 FLORIAN QUALIFIED PERSONAL RES TRUST, GLEN & GARY
WOLFEBORO Lake Winnepesaukee

Requested Action:

Applicant requests reconsideration based upon the submittal of revised plans.

APPROVE RECONSIDERATION:

Reset rocks to repair an existing 33 ft breakwater with a 4 ft x 38 ft cantilevered pier, stabilize 100 sq ft of the bank over an existing waterline, and dredge 500 sq ft of lakebed to provide access to an existing 23 ft 6 in x 31 ft dug-in boathouse on an average of 123 ft of frontage on Lake Winnepesaukee in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction, revised July 12, 1998, as received by DES on July 30, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. All dredged material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Only existing rocks which have fallen from the breakwater shall be used in its repair repair. No rocks shall be added to the structure.
5. Repairs shall maintain existing size, location, and configuration of the structures.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
9. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
10. This permit does not allow for maintenance dredging.
11. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
12. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
13. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minor impact project per Rule Env-Wt 303.03 (g), dredge of less than 20 cu yd from public waters.

2008-00271 **BEGOR, MARK & KRISTEN**
SUNAPEE Lake Sunapee

Requested Action:

Reconsideration Denied

With Findings:

Findings of Fact

1. The applicant makes the same argument over and over in his Motion For Reconsideration: namely that the applicant has proposed a project which is exactly the same as numerous other approvals.
2. In the applicant's response to DES request for more information - the applicant makes the same arguments are cites other files to support its case.
3. Pursuant to RSA 482-A:10, III the department is required to receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration.
4. Under "New Considerations" the applicant states the following:

"We respectfully submit hat the DES Wetlands Bureau has failed to consider that this project is very similar to numerous, and in some cases identical to, other projects for hwich the DES Wetlands Bureau recently issued approvals. There has been no corresponding change to the Administrative Rules and Regulations or Governing Statutes covering projects as proposed in the Application to necessitate or cause the DES Wetlands Bureau to change its interpretation of, or the internal policies it follows, to comply with, these governing rules and regulations in its evaluation of the Application. Accordinging, we request that the DES Wetlands Bureau grant this mottion for reconsideration and issue a decision approving the Application."

5. A listing of files with this same argument was cited in item 1 of the applicant's May 14, 2008 letter to DES.
6. The same arguments on surface area reduction were presented in the applicant's response to DES request for more information.

Rulings of Law:

1. DES hereby reaffirms its July 18, 2008 findings and rulings.
2. The applicant has failed to present any new evidence on reconsideration as required by RSA 482-A:10.

2008-01420 ISLAND MARINA ASSOCIATION
ALTON Lake Winnepesaukee

Requested Action:

Construct a 4 ft x 140 ft permanent dock supported by 22 piles on an average of 782 ft of frontage within a major docking facility already providing at least 124 existing slips on 782 ft of frontage on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com does not recommend approval due to excessive number of slips and prior open enforcement issues

DENY PERMIT:

Construct a 4 ft x 140 ft permanent dock supported by 22 piles on an average of 782 ft of frontage within a major docking facility already providing at least 124 existing slips on 782 ft of frontage on Lake Winnepesaukee, Alton.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a major impact per Rule Env-Wt 303.02(d), construction or modification of major docking system defined by Env-Wt 101.53 and any dock adjacent or attached to a breakwater.
3. In accordance with Env-Wt 402.13 "Frontage Over 75'. There shall be a minimum of 75' of shoreline frontage on the property for the first 2-slip structure and an additional 75' of shoreline frontage on the property for each additional boating slip or securing location on a structure for non-commercial use.
4. In accordance with Env-Wt 402.16, Marina - Design Standards, (a) (2), the standard for marinas shall be one slip per 25 ft of frontage.
5. In accordance with Env-Wt 402.06 "Permanent Docks, an application for a permanent dock shall be approved only when an applicant establishes that the proposed site for the dock is exposed to a design fetch of at least 1 mile between compass headings 245 to 340 degrees, or a design fetch of at least 2 miles between compass headings 341 to 0 or 0 to 244 degrees, as measured from true north.

Findings of Fact

1. On July 24, 2008, the Wetlands Bureau received an application for surface water impacts on the lot identified as Alton tax map 59, lot 1, to construct a 4 ft x 140 ft permanent dock supported by 22 piles on an average of 782 ft of frontage within a major docking facility already providing at least 124 existing slips on 782 ft of frontage on Lake Winnepesaukee, Alton.
2. The Wetlands Bureau received comments from the local Conservation Commission on September 03, 2008. These comments recommend denial of this project since the Wetlands Board has already found that the structure currently exceeds what is allowable for the shoreline frontage.
3. The local Conservation Commission also submitted information from prior wetland files supporting their recommendation.

4. In accordance with Env-Wt 402.13, the applicant has sufficient frontage to provide 11 slips.
5. In accordance with Env-Wt 402.16, a maximum of 31 slips could be provided on the frontage if the facility qualifies as a marina.
6. The existing docking facility provides at least 124 slips on 782 feet of frontage. This is 113 slips more than allowed by Env-Wt 402.13 and 93 slips more than could be allowed by Env-Wt 402.16.

Rulings in Support of Denial

1. The existing docking facility exceeds the slip limits of Env-Wt 402.13 and Env-Wt 402.13 and is not in an area that meets the requirements of Env-Wt 402.06, therefore, the application is denied.

MINOR IMPACT PROJECT

2008-00035 GEYER, JAMES/KIM
GILFORD Lake Winnepesaukee

Requested Action:

Applicant requests reconsideration based upon revised plans.

APPROVE RECONSIDERATION:

Install a permanent boatlift, repair two 4 ft x 30 ft piling piers connected by a 2.5 ft x 12 ft walkway, attached to a deck having a 19 ft 4 in x 9 ft section over the water and a 23 ft x 7 ft section over the bank, dredge and backfill 35 sq ft of lakebed and 25 sqft of bank for waterline replacement, replace two 3 ft wide stairways in the bank with a 6 ft wide stairway, and reconfigure existing retaining walls in the bank on an average of 201 ft of frontage on Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised September 5, 2008 and received by DES on September 28, 2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
4. Repairs shall maintain the existing size, location and configuration of the pre-existing structures.
5. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. All dredged or excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minor project per Rule Env-Wt 303.03 modification of a 3 slip permanent docking structure.

2. The proposed modifications will not alter the sq ft of construction surface area over public submerged lands or the number of slips provided.

2008-00076 WAGON WHEEL TRAIL LLC, CAROL DECOLA
MEREDITH Lake Winnepesaukee

Requested Action:

Amend permit to allow for permanent structures based upon data submitted on July 22, 2008.

APPROVE AMENDMENT:

Amend permit to read: Install a 6 ft x 35 ft piling pier and a 6 ft x 40 ft piling pier connected by a 6 ft x 12 ft wide walkway in a "U" configuration with a permanent boatlift, two 3 piling ice clusters, a tie-off piling, a 14 ft x 30 ft seasonal canopy, and 2 personal watercraft lifts. Excavate 820 sq ft of bank along 30 linear of shoreline to construct a 30 ft x 31 ft perched beach on an average of 203 ft of frontage on Lake Winnepesaukee, in Meredith.

With Conditions:

1. All work shall be in accordance with the plan by Watermark Marine Construction dated May 12, 2008, as received by DES on May 15, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. All seasonal structures shall be removed from the lake for the non-boating season.
5. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
8. The steps installed for access to the water shall be located completely landward of the normal high water line.
9. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
13. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 3-slip docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 203 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2008-00103 SANBORNTON, TOWN OF
SANBORNTON Unnamed Stream

Requested Action:

Dredge and fill a total of 5582 square feet to upgrade 6 existing culverts and culvert 185 linear feet of intermittent stream that was previously ditched.

APPROVE PERMIT:

Dredge and fill a total of 5582 square feet to upgrade 6 existing culverts and culvert 185 linear feet of intermittent stream that was previously ditched.

With Conditions:

1. All work shall be in accordance with plans by Fluet Engineering sheets C1 and C5 dated February 28, 2007 and revised through September 26, 2008, as received by the Department on September 30, 2008 and sheets C2, C3, C4, C8, C9 and D1 through D3 inclusive dated February 28, 2007, as revised through August 13, 2008 as received by the Department on August 20, 2008.
2. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
6. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
7. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
8. Work within perennial streams shall be done during low flow.
9. Work within intermittent streams shall be done during periods of non-flow.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. No equipment shall enter the water.
13. All work shall be done from the top of the bank.
14. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
17. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
18. Temporary cofferdams shall be entirely removed immediately following construction.
19. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
20. Proper headwalls shall be constructed within seven days of culvert installation.
21. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
22. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

23. Silt fencing must be removed once the area is stabilized.

24. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i); Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks. For intermittent streams, the distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The association has refused to cooperate with the installation of a treatment structure that would protect the water quality as it crosses the beach area.

4. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

2008-00265 DAVIS, ROBERT
NEWBURY Lake Sunapee

Requested Action:

Repair, replace, and modify existing crib supported structures resulting in a 15 ft 4 in x 30 ft 4 in boathouse with a single 10 ft wide interior slip, a 3 ft 6 in x 8 ft exterior dock extending from a 2 ft 9 in x 30 ft dock, and a 7 ft 3 in x 28 ft 9 in dock on property having an average of 140 ft of frontage on Lake Sunapee in Newbury.

DENY PERMIT:

Repair, replace, and modify existing crib supported structures resulting in a 15 ft 4 in x 30 ft 4 in boathouse with a single 10 ft wide interior slip, a 3 ft 6 in x 8 ft exterior dock extending from a 2 ft 9 in x 30 ft dock, and a 7 ft 3 in x 28 ft 9 in dock on property having an average of 140 ft of frontage on Lake Sunapee in Newbury.

With Findings:

Standards for Approval

1. In accordance with Rule Env-Wt 402.20, Modification of Existing Structures, the Department shall only permit the modification of existing non-conforming structures when the modifications will result in decreased environmental impact or in a reduction in the number of slips provided and the construction surface area over public submerged lands.

Findings of Fact

1. On February 8, 2008, DES staff met with the agent for the Applicant in a pre-application meeting to discuss modification of a boathouse over public waters on property identified as Town of Newbury tax map 20, lot 127, block 417 (the "Property").

2. During the pre-application meeting the Agent for the Applicant acknowledged that the boathouse and associated docking facilities exceeded the dimensions of the structures as previously permitted by DES at the closure of Wetlands File #1995-748. File #1995-748 was a compliance action related to the illegal modification of the docking facilities on the Property.

3. During the pre-application meeting DES staff agreed that removal of 50 sq ft of deck surface from the south pier and reduction of the north pier to 6 ft in width would result in a reduction in construction surface area over public submerged lands and meet the requirements of Rule Env-Wt 402.20.

4. On February 25, 2008 DES notified the Applicant that the complete application for the modification of the docking facilities had

been received.

5. The Application as submitted proposed a width of 7 ft 3 in for the north pier instead of the 6 ft width that DES had verified would be sufficient to meet Rule Env-Wt 402.20.
6. On May 5, 2008, DES notified the Agent and the Applicant that the project as submitted did not reflect the plans the DES had agreed would meet Rule Env-Wt 402.20, and that as submitted would not meet this Rule.
7. On June 5, 2008, DES received a letter from the Agent stating that they did not have the authority to enter into an agreement on behalf of the Applicant during the pre-application meeting and that they believed that the proposal as submitted met Rule Env-Wt 402.20.
8. The permitted structures on the Property would have 751 sq ft of construction surface area over public submerged lands.
9. The proposed structures on the Property would have 762 sq ft of construction surface area over public submerged lands.

Rulings in Support of the Decision

1. The removal of crib materials from an area that will remain covered by dock surface does not constitute a reduction in construction surface area.
2. The removal of portions of the structure which were not legally constructed will not be considered towards meeting the requirements of Rule Env-Wt 402.20.
3. The project is denied because the proposal will result in an 11 sq ft increase in the construction surface area of the project and fails to meet the requirements of Rule Env-Wt 402.20.

Requested Action:

Deny reconsideration

DENY RECONSIDERATION:

repair, replace, and modify existing crib supported structures resulting in a 15 ft 4 in x 30 ft 4 in boathouse with a single 10 ft wide interior slip, a 3 ft 6 in x 8 ft exterior dock extending from a 2 ft 9 in x 30 ft dock, and a 7 ft 3 in x 28 ft 9 in dock on property having an average of 140 ft of frontage on Lake Sunapee in Newbury.

With Findings:

A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. The Bureau erred in the surface area calculation of the existing structure.
2. The applicant makes no claim that removal of crib area results in less construction surface area-rather they show that the proposed reduction in crib size is less environmental impact to the lake bottom to meet Env Wt 402.20.
3. This proposal results in 4 sq.ft. less surface area impact and 70 sq.ft. less environmental impact (lake bottom) than the existing permitted structure which clearly meets the requirements of Env Wt 402.20.
4. The Bureau has failed to consider that this project is very similar to numerous other projects which the DES Wetlands Bureau issued approvals.
5. There has been no change to the administrative rules or statute covering projects or cause to change its interpretation of or the internal policies.

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint.
2. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside DES's decision to show that the decision is unlawful or unreasonable.
3. Env Wt 402.01(a) provides that the purpose of the Shoreline Structures section of the DES - Wetlands Bureau rules is to protect the public trust and other interests of the state of New Hampshire, by establishing requirements for the design and construction of structures in order to prevent unreasonable encroachment on the surface waters of the state.

4. Env Wt 402.02 (a)(2) provides that the standard dimensions for a dock shall not exceed 6 feet wide and 40 feet long.
5. Env Wt 402.08(a) provides that Boathouses located in or over the waters shall not be approved. Env Wt 402.08(c) provides that structures over the waters shall not be allowed for the transfer of any activities usually associated with land, including but not limited to sunbathing and picnicking.
6. Env Wt 101.43 "Grandfathered status" means a structure that was in place before permit jurisdiction under RSA 482-A:3, I or its predecessor statute, RSA 483-A:1, I, took effect, which for areas in or adjacent to tidal waters means June 22, 1967 and for all other jurisdictional areas means July 2, 1969; (b) Has remained unaltered in location, size and configuration; and c) Has not been abandoned.

C. Findings of Fact and Rulings of Law

Reaffirm original findings and rulings and add the following additional findings and rulings:

10. On November 2, 1998 DES Wetlands Bureau issued an after the fact approval of Robert Davis' request to retain two seasonal docks and one existing boathouse slip on 129 feet of frontage and to retain a 91' culvert to address runoff control. This approval was subject to the following project specific conditions: All structures, including the seasonal docks, the 7' x 8' wood covering over the crib, and the culvert on the property, shall be constructed and maintained pursuant to plans received by the Department on October 1, 1998 from Peter Blakeman, P.E.
11. The structures have not been constructed in accordance with the plans received by DES on October 1, 1998.
12. Modification of an existing boathouse would not be allowed since Env Wt 402.08 prohibits construction of boathouses over public waters.
13. The November 2, 1998 after the fact approval was a settlement of an enforcement case that was approved only subject to specific conditions being met by the applicant.
14. If the conditions of the after the fact approval have not been met, the after the fact approval may be subject to revocation or be null and void.
15. The applicant has not met his/her burden of proving that the DES's decision was unlawful or unreasonable.

2008-00549 CHAREST, DANIEL & RENEE CASEY MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Replace 21 cu yd of round rip-rap material with angular rip-rap material on 101 ft of frontage on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace 21 cu yd of round rip-rap material with angular rip-rap material on 101 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates revised June 2008, and received by DES on September 8, 2008.
2. The quantity of angular rock placed on the shorelines shall not exceed the quantity of round rock removed.
3. All rock removed from the frontage shall be completely removed from the jurisdiction of the Wetlands Bureau.
4. The new rock shall be placed such that it shall maintain the existing footprint, location and configuration as the pre-existing rip-rap.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Work shall be done during low water conditions.

7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
9. The rip-rap shall be located completely within the footprint of the pre-existing rip-rap and shall not extend lakeward of that footprint at any point.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minor impact project per Rule Env-Wt 303.03 (k) projects that impact between 50 and 200 ft of shoreline on a lake or pond.

2008-00617 NORTHLINE DEVELOPMENT LLC
TUFTONBORO Unnamed Wetland

Requested Action:

Dredge and fill 3965 square feet of palustrine forested wetlands in the subdivision of approximately 180 acres into 19 single family building lots and a 68 acre residual lot.

APPROVE PERMIT:

Dredge and fill 3965 square feet of palustrine forested wetlands in the subdivision of approximately 180 acres into 19 single family building lots and a 68 acre residual lot.

With Conditions:

1. All work shall be in accordance with plans by Stevens Engineering dated April 8, 2008 and revised through August 14, 2008, as received by the Department on September 11, 2008 and Subdivision Plans by Hambrook Land Services dated February 2008, and revised through August 19, 2008 as received by the Department on September 11, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on restoration of 33800 square feet of palustrine forested wetland and intermittent stream in accordance with Restoration Plans by Stevens Engineering and Narrative by North Country Soil Services as received on September 11, 2008.
4. The restoration as described in condition 3 shall be completed by July 1, 2009, unless otherwise approved in writing by the Department.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback on the single family lots depicted in this subdivision.
6. The deed which accompanies the sales transaction for each of the single family lots in this subdivision shall contain condition #5 of this approval.
7. If any additional work is to be conducted on the residual 68 acre parcel an on site wetland delineation shall be required.
8. The deed which accompanies the sales transaction for the residual lot in this subdivision shall contain condition #7 of this approval.
9. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
10. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
11. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetlands. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
12. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
13. Work shall be done during periods of non-flow.
14. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

15. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. All material removed during restoration activities shall be removed down to the level of the original hydric soils.
18. All material removed during work activities shall be placed out of DES's jurisdiction.
19. Mulch within the restoration area shall be straw.
20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
23. Silt fencing must be removed once the area is stabilized.
24. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
25. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
26. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau by July 30, 2009.
27. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each restoration site.
28. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided a comprehensive Vernal Pool study and has provided a 500 foot buffer to all proposed development sites.
6. The applicant has provided a waiver request per Env-Wt 204.03, to waive the wetland delineation over the remaining lot as required by Env-Wt 304.09(a).
8. A Certified Wetland Scientist has reviewed a NRCS Soil Maps, USGS Topographical Maps, National Wetland Inventory Maps and has reviewed aerial photography of the site. The Wetland Scientist further walked the site and did a sketch of the existing wetlands on the site.
9. The applicant has had a Certified Wetland Scientist field delineate and a surveyor locate the wetlands within the area of the proposed residential subdivision.
10. It would be an economic hardship for the owner to have the entire 69 acre lot delineated in the field.
11. If any additional work is to be conducted on the lot an on site delineation will be required per condition #7 of this approval.
12. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.09(a).
13. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

2008-01268 MDR SOUTH PEAK LLC
LINCOLN Unnamed Stream

Requested Action:

Temporarily impact 2,215 square feet (155 linear feet) within Sutton Brook, an unnamed perennial stream, and an unnamed intermittent stream to install a transbution line (buried electric line) along an existing public utility right-of-way to increase supply to the Lincoln area.

APPROVE PERMIT:

Temporarily impact 2,215 square feet (155 linear feet) within Sutton Brook, an unnamed perennial stream, and an unnamed intermittent stream to install a transbution line (buried electric line) along an existing public utility right-of-way to increase supply to the Lincoln area.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering dated June 24, 2008, as received by DES on July 9, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Streams shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.
9. Stream banks shall be restored to a stable condition and shall be restored to the same as or better than pre-construction conditions.
10. A post-construction report documenting status of wetlands restoration shall be submitted to the Wetlands Bureau within six weeks of the completion of construction.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a Minor Project per NH Administrative Rule Env-Wt 303.03(l), as temporary stream impacts are less then 200 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The NH Natural Heritage Bureau identified 2 known resources (High-gradient rocky riverbank system and Pickering's Bluejoint) within the area; however, their known locations are approximately 1 mile from the temporary disturbance associated with this project. Therefore, DES finds that there will not be an impact to these exemplary natural communities or rare species.

2008-01713 DOUBLE DIAMOND HOLDINGS SOUTH LLC
DOVER Unnamed Wetland

Requested Action:

Dredge and fill 4,098 sq. ft. of disturbed wetland ditch to perform edge grading associated with construction of a driveway and loading dock access for redevelopment of an existing building.

APPROVE PERMIT:

Dredge and fill 4,098 sq. ft. of disturbed wetland ditch to perform edge grading associated with construction of a driveway and loading dock access for redevelopment of an existing building.

With Conditions:

1. All work shall be in accordance with plans by Tritech Engineering dated 7/10/2008, as received by DES on 8/18/2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving alteration of less than 20,000 sq. ft. in the aggregate of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary to provide access to the rear of the lot and building for driveway and loading dock use.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal is confined to edge fill along a disturbed, urban wetland located between the lot and railbed.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project vicinity by the NH Natural Heritage Bureau. The project provides updated urban stormwater treatment associated with redevelopment of an old industrial lot, and also maintains access to a City rail trail.
5. The Dover Conservation Commission supports the application.

2008-02089 HANCOCK, TOWN OF
HANCOCK Hosley Brook

Requested Action:

Dredge and fill 40 linear feet (140 square feet) and temporarily impact 225 square feet of Hosley Brook at Hunts Pond Road to replace twin 71-inch x 47-inch x 30-foot elliptical steel corrugated culverts with twin 71-inch x 47-inch x 40-foot elliptical aluminized corrugated culverts.

APPROVE PERMIT:

Dredge and fill 40 linear feet (140 square feet) and temporarily impact 225 square feet of Hosley Brook at Hunts Pond Road to replace twin 71-inch x 47-inch x 30-foot elliptical steel corrugated culverts with twin 71-inch x 47-inch x 40-foot elliptical aluminized corrugated culverts.

With Conditions:

1. All work shall be in accordance with plans by Kurtis J. Grasset dated September 28, 2008, as received by the Department on September 26, 2008.
2. Work shall be done during annual low flow conditions.
3. Appropriate siltation & erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
9. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
10. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
11. Temporary cofferdams shall be entirely removed immediately following construction.
13. Culverts shall be laid at original grade.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
22. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
23. This permit is contingent upon the restoration of 225 square feet of temporary Hosley Brook impact.
24. Temporary impact stream restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
25. Post-construction photographs documenting the status of the completed construction and restored temporary impact areas shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. On September 24, 2008, NHDOT notified the Town of Hancock that the Town was required to immediately close the Hosley Brook, Hunts Pond Road crossing.
3. The detour requires rerouting traffic over another red listed bridge and causes a significant inconvenience for residents and increases response time for emergency vehicles.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

MINIMUM IMPACT PROJECT

2008-00287 DURHAM, TOWN OF
DURHAM Oyster River

Requested Action:

Impact two freshwater wetlands in conjunction with municipal park site stormwater improvements, including 90 sq. ft. of impact to regrade and revegetate wetland bank at outlet of new treatment swale constructed in uplands; and impact 240 sq. ft. of wetland to remove restrictive, deteriorated culvert and associated fill from wetland and replace with top-of-bank to top-of-bank footbridge. Total freshwater impact 330 sq. ft.

Impact 1,080 sq. ft. of tidal wetland to replace existing eroded municipal boat ramp with concrete logs properly bedded in same footprint.

APPROVE PERMIT:

Impact two freshwater wetlands in conjunction with municipal park site stormwater improvements, including 90 sq. ft. of impact to regrade and revegetate wetland bank at outlet of new treatment swale constructed in uplands; and impact 240 sq. ft. of wetland to remove restrictive, deteriorated culvert and associated fill from wetland and replace with top-of-bank to top-of-bank footbridge. Total freshwater impact 330 sq. ft.

Impact 1,080 sq. ft. of tidal wetland to replace existing eroded municipal boat ramp with concrete logs properly bedded in same footprint.

With Conditions:

1. All work shall be in accordance with plans by MJS Engineering dated 10/7/2008, as received by DES on 10/9/2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into the Oyster River.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Work shall be done during low tide.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
9. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. The wetland bank regrading and culvert/fill removal are minimum impact projects per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. Replacement of the existing boat ramp in the same footprint is a minimum impact project per Administrative Rule Env-Wt

303.04(v), maintenance, repair and replacement in-kind of existing docking structure. The change in material to concrete logs from the previous broken asphalt surface represents a benefit to the resource in protecting water quality. The work can be conducted at low tide above mean low water elevation.

3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The freshwater impacts are associated with the stormwater improvement project being conducted at the site, and the boat ramp is severely deteriorated, negatively impacting the water quality of the Oyster River with each use.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The wetland bank contour will change but will remain naturally vegetated; the culvert and fill will be replaced with an open bridge above jurisdiction and that area of wetland restored; the boat ramp will be replaced in the same footprint.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The plant species of concern reported by the NH Natural Heritage Bureau are not located in the project activity areas; the applicant has coordinated with NH Fish & Game Department regarding the fish species and has addressed the concerns of that agency.
6. The project received a coordinated review by DES, Army Corps, and NMFS, including a joint field inspection conducted on 6/17/2008, through which each agency's concerns were satisfied.
7. The Durham Conservation Commission supports the project per email communication dated 3/16/2008.

**2008-00689 SPRAGUE ENERGY CORP
PORTSMOUTH Tidal Wetland**

Requested Action:

Retain 360 linear ft. of rip rap installed for emergency shoreline stabilization repair under Emergency Authorization issued 5/5/2008.

APPROVE AFTER THE FACT:

Retain 360 linear ft. of rip rap installed as emergency shoreline stabilization repair under Emergency Authorization issued 5/5/2008.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum based on the degree of environmental impact. The rip rap installed overlays existing stone and gravel bank in a heavily impacted industrial site, and represents no further impact to the tidal resource or public trust than previously existed.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The shoreline adjacent to the Sprague Terminal access road, and which supports a decommissioned elevated pipe line, suffered severe erosion in a May 2008 storm event and needed emergency stabilization.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The rip rap installed supplements old stone in a stone and gravel bank where space and industrial usage prevent vegetative stabilization from being feasible.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau for the project vicinity.
5. DES conducted a field inspection of the site on 8/28/2008.
6. NMFS reviewed the project on 7/17/2008 and stated that the project was eligible as proposed for PGP approval.
7. The Newington Conservation Commission was aware of the project, but did not report further.

2008-01062 PASKERIAN, WAYNE
MEREDITH Lake Winnepesaukee

Requested Action:

Correct permit to reflect the structural dimensions as shown on the approved plan.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE AMENDMENT:

Correct permit to read: Repair an existing 7 ft 11 in x 31 ft 9 in permanent dock supported by a large boulder, connected to a 3 ft 9 in x 23 ft 9 in permanent dock supported by a 3 ft x 3 ft crib and a large boulder, by a 3 ft by 10 ft walkway, replace the flat roof on the existing 12 ft x 30 ft boathouse without sides with a 12 ft x 30 ft peaked roof, with no work to the existing 12 ft x 35 ft 8 in rock supported permanent dock, on an average of 101 ft of frontage on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated May 23, 2008, as received by DES on June 16, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. The repairs shall maintain the existing size, location and configuration of the structures with the exception of the modification permitted to the boathouse roof.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. All construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 101 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
7. The modification of the boathouse roof will not increase the impacts of the structure and is necessary for improved structural stability and safety and, therefore, Rule Env-Wt 402.21, Modification of Existing Structures, is waived in accordance with Part Env-Wt 204, Waivers.

2008-01157 FINK, DAVID
GILFORD Lake Winnepesaukee

Requested Action:

Replace the existing railroad tie retaining wall lining the existing beach with a concrete block wall, and replace existing 6 ft wide pathway with concrete pavers on 109 ft of frontage in Gilford on Lake Winnepesaukee.

APPROVE PERMIT:

Replace the existing railroad tie retaining wall lining the existing beach with a concrete block wall, and replace existing 6 ft wide pathway with concrete pavers on 109 ft of frontage in Gilford on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by LaBranche Building Co. as received by the Department on October 7, 2008
2. Replacement wall shall maintain existing length, height and configuration.
3. Replacement retaining wall shall not come closer to the water than the existing wall.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
9. Shall replacement wall fail within a 6 year period from date of completion, the landowner shall file a new application for retaining wall replacement with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further NHDES evaluation and requests.
10. Wall shall not reflect or re-direct currents towards adjacent wetlands or structures, or otherwise contribute to erosion.
11. Any proposed increase in impervious surface located within 250 ft of the shoreline may require a shoreland permit.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of an existing retaining wall.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-01523 LUNDGREN, NANCY
FRANCESTOWN Unnamed Wetland

Requested Action:

Deny permit request to fill and reroute 2,880 square feet of palustrine forested wetlands to meet town setback requirements.

DENY PERMIT:

Deny permit request to fill and reroute 2,880 square feet of palustrine forested wetlands to meet town setback requirements.

With Findings:

1. This is a Minimum Impact Project per NH Code of Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.
6. Pursuant to Rule Env-Wt 302.04(d)(1), the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
7. Pursuant to Env-Wt 302.04(d)(3), the project will cause random or unnecessary destruction of wetlands.
8. In accordance with Rule Env-Wt 505.03, minimum impact projects shall not allow fill for lot development.

Findings of Fact:

9. The DES Wetland Bureau received a Minimum Impact Expedited Application on August 07, 2008, to fill and reroute 2,880 square feet of palustrine forested wetlands to meet town building setback requirements.
10. The DES Wetlands Bureau deemed the project Administratively Complete and reclassified the project as a standard application on August 08, 2008. The project was reclassified because the application was lacking the required signature of the Conservation Commission.
11. The Francestown Conservation Commission did not sign the Minimum Impact Application, but provided a letter dated September 09, 2008, stating they did not sign the application because they, "did not feel that the need for the wetland impact was clearly established on the application and plans." And that they, "also felt that rather than filling wetlands in order to meet the Town of Francestown zoning setbacks that it would be more appropriate seek a variance from the Zoning Board of Adjustment."
12. The DES Wetlands Bureau issued approval for access to the subject parcel, which was part of a two-lot subdivision, on November 26, 2007 DES Wetlands Bureau File No. 2007-02368. This approval was conditioned that, "There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback."
13. The submitted application did not discuss the lack of alternative with less wetlands and surface water impacts (Env-Wt 302.04(b)).
14. The submitted plans illustrate the subject parcel is 8.20 acres.

Findings in Support of Denial:

15. The applicant has not addressed Env-Wt 302.01(b) to the Department's Satisfaction, and therefore is denied in accordance with Env-Wt 302.04(d)(3) as the project causes unnecessary destruction of wetlands.
16. The applicant failed to address Env-Wt 302.03 and Env-Wt 302.04(b)(5), and therefore is denied in accordance with Env-Wt 302.04(d)(1), as there may be practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
17. The application does not meet the requirements of Env-Wt 505.03, as the proposed fill is for lot development.

2008-01524 **AUTEN, JEFFREY & DIANE**
ENFIELD **Mascoma Lake**

CONFIRM EMERGENCY AUTHORIZATION:

Repair beach washout and retaining walls as result of road washout due to a plugged NHDOT roadway culvert.

With Conditions:

1. All work shall be in accordance with plans by the applicant, as received by DES on September 11, 2008.
2. Repair shall maintain existing size, location and configuration.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by

mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(X).
2. The project is necessary to stabilize retaining walls and prevent further loss of materials into Mascoma Lake.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on October 6, 2008.
4. Plugged NHDOT roadway culvert; washed out driveway, undermined retaining walls, washed out beach; see file 2004-2602 for file photos; DES personnel spoke with Doug King, NHDOT District 2, he confirmed the washout.

FORESTRY NOTIFICATION

2008-02104 BENSON, GRANT
CHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Chester Tax Map 8, Lot# 76

EXPEDITED MINIMUM

2006-02791 PSNH
HUDSON Unnamed Wetland

Requested Action:

Amendment request to add an additional 4 sq. ft. of wetlands impact to the project for the installation of an additional structure "Structure 57" and restore 2,400 sq. ft. of wetlands impacts created by equipment rutting during activities associated with the maintenance of the transmission line.

APPROVE AMENDMENT:

Dredge and fill approximately 606 sq. ft. (and restore approximately 2400 sq. ft.) of scrub-shrub and emergent wetlands to install new transmission line poles and associated anchors and remove existing poles within the transmission line right of way as part of a transmission line upgrade through Londonderry and Hudson. In addition, remove 16 transmission line structures within wetlands and 30 structures adjacent to wetlands during non-frozen ground conditions. These structures will be cut by hand at ground level and winched out of the wetlands from an upland staging areas. All temporary impacts will be restored in-kind.

With Conditions:

1. All work shall be in accordance with plans and narratives by Public Service of New Hampshire (PSNH), narratives dated September 4, and 25, 2006 and plans dated June 7, 2005, as received by the Department on November 1, and 14, 2006. The requested structures removal shall be conducted in accordance with narratives by PSNH, as received by DES on May 18, 2007 and "Pole Removals" plan dated May 15, 2007, as received by DES on May 21, 2007. In addition, work shall be in accordance with amendment request plans and narratives prepared by Tighe&Bond, plan dated August 2008 and narratives dated September 5, 2008, as received by DES on September 5, 2008.
2. The work shall be conducted under low flow and frozen ground conditions with the exception of the removal of 16 structures within wetlands and 30 structures adjacent to wetlands as requested by the applicant on May 18, 2007.

3. The structure removal shall be completed by August 6, 2007.
4. Temporary wetlands and upland disturbances shall be restored/stabilized immediately. If mulching is required, straw that is free of exotic and invasive plant species shall be used.
5. The applicant shall contact the local/applicable Conservation Commission prior to the start of the structure removal.
6. The amended structure removal work shall be conducted by hand and equipment staged in adjacent upland areas.
7. The equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to prevent rutting of soils (applicable to original structure installation and removal work, currently no equipment is allowed in wetland or surface water areas, under non-frozen ground conditions).
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Wetland boundaries shall be clearly marked adjacent to construction areas to prevent accidental encroachment on adjacent wetlands.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Pole removal shall consist of cutting the poles off at ground level and shall not involve any excavation.
12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application or further permitting by the Bureau.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
14. Faulty equipment shall be repaired prior to entering jurisdictional areas.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur a minimum of 100 away from surface waters and wetlands.

With Findings:

DES reaffirms findings 1 through 9.

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed project will be conducted within a maintained transmission line right of way and under frozen ground conditions, with the exception of the removal of 16 structures within wetlands and 30 structures adjacent to wetlands.
6. The New Hampshire Fish & Game Department approved of the proposed amendment work as long as care was taken not to introduce invasive plant species.
7. The amended approval is conditioned on the use of mulch that does not contain exotic and invasive plant species.
8. The Hudson and Londonderry Conservation Commissions signed the original Minimum Impact Expedited Applications for the their corresponding towns, waiving their right to intervene on the project.
9. The amended approval is conditioned on contact of the Town(s) Conservation Commission prior to the start of work.
10. The additional restoration activities will restore temporary impacts inadvertently conducted during maintenance activities within the utility line right-of-way.
11. The temporary impacts were self reported by the applicant.

2008-01763 CCORIO REALTY LLC, CHRISTINA ORIO
HAMPSTEAD Unnamed Wetland

Requested Action:

Impact 7,400 square feet of palustrine forested wetland to construct a fire pond and dry hydrant for fire protection.

Conservation Commission/Staff Comments:

The Hampstead Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 7,400 square feet of palustrine forested wetland to construct a fire pond and dry hydrant for fire protection.

With Conditions:

1. All work shall be in accordance with the Grading Plan (Sheet C-2) by Farwell Engineering Services, LLC dated August 20, 2008, as received by DES on September 2, 2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Work shall be done during seasonal low flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p) Construction of a pond with less than 20,000 sq. ft. of wetlands impact.
2. As stated by the Hampstead Fire Chief in a letter dated June 6, 2008, "There is not a viable water source in the immediate area to use for fire protection...", therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with Env-Wt 304.04, the applicant received written concurrence from the abutter, Paul Pandelena, for those impacts occurring within 20-feet of the property line.

PERMIT BY NOTIFICATION

**2008-02129 HALL REVOC TRUST, BRADFORD
GILFORD Lake Winnepesaukee**

Conservation Commission/Staff Comments:
Con Com signed PBN on 09/24/08

**2008-02130 LLK TRUST, THOMAS WALKER
WOLFEBORO Unnamed Stream**

Requested Action:

Replace 3 original 12 inch CMP culverts in place, in-kind and Install underground residential utility to serve an existing cottage to areas damaged by recent tornado.

PBN IS COMPLETE:

Replace 3 original 12 inch CMP culverts in place, in-kind and Install underground residential utility to serve an existing cottage to areas damaged by recent tornado.

With Conditions:

1. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

2008-02158 PICTURE VIEW COTTAGES
BRISTOL Newfound Lake

Requested Action:

Rebury existing 15' long cable which has been historically buried through Picture View Cottage beach and swim area to provide PSNH with electric service to Mayhew Island.

PBN IS COMPLETE:

Rebury existing 15' long cable which has been historically buried through Picture View Cottage beach and swim area to provide PSNH with electric service to Mayhew Island.

CSPA PERMIT

2008-00696 BARTON, JON
TUFTONBORO Lake Winnepesaukee

Requested Action:

Impact 1,000 an existing primary structure located within 250 ft of the reference line on property with approximately 290 ft of frontage on Lake Winnepesaukee in Tuftonboro.

APPROVE PERMIT:

Impact 1,000 an existing primary structure located within 250 ft of the reference line on property with approximately 290 ft of frontage on Lake Winnepesaukee in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated July 7, 2008 and received by DES on September 16, 2008.
2. No more than 8.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 14,611 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,305.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. This permit is contingent upon approval of the proposed septic system by the NH Subsurface Systems Bureau.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. This project will result in not more than 4.4 percent of the area of the protected shoreland on lot being covered by impervious surfaces.

2008-01232 FORTE, PRISCILLA
MIDDLETON Sunrise Lake

Requested Action:

Impact 4,600 sq ft to construct a new foundation under a pre-existing primary structure and replace the existing primary structure in kind.

APPROVE PERMIT:

Impact 4,600 sq ft to construct a new foundation under a pre-existing primary structure and replace the existing primary structure in kind.

With Conditions:

1. All work shall be in accordance with building plans submitted by Priscilla Forte received by the Department of Environmental Services ("DES") on August 22, 2008.
2. No more than .07% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 177,748 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 90,874 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-01622 OLSON, CARL
SOUTH SUTTON Blaisdell Lake

Requested Action:

Impact 1216 sq ft to construct a two story garage.

APPROVE PERMIT:

Impact 1216 sq ft to construct a two story garage.

With Conditions:

1. All work shall be in accordance with plans by Bristol Sweet & Associates, Inc. dated October 21, 1996 and received by the

Department of Environmental Services ("DES") on September 12, 2008.

2. No more than 13.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 13,816 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,356 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. The proposed garage shall contain no facilities necessary to designate it as a residential unit.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-01884 SAMPSON, SCOTT
BARRINGTON Ayers Pond

Requested Action:

Impact 1,407 sq ft to replace an existing septic system with a proposed septic system and drill a new well.

APPROVE PERMIT:

Impact 1,407 sq ft to replace an existing septic system with a proposed septic system and drill a new well.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying & Engineering dated June 26, 2008 and received by the Department of Environmental Services ("DES") on September 9, 2008.
2. No more than 9.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 3,840 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,311.75 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-01885 OSBORNE, PETER/JANICE
PITTSFIELD Suncook River

Requested Action:

Impact 7,850 sq ft to remove an existing garage and portion of pavement and construct a proposed sign.

APPROVE PERMIT:

Impact 7,850 sq ft to remove an existing garage and portion of pavement and construct a proposed sign.

With Conditions:

1. All work shall be in accordance with plans by Brown Engineering dated August 22, 2008 and received by the Department of Environmental Services ("DES") on September 10, 2008.
2. No more than 46% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will impact no portion of existing unaltered areas within the Natural Woodland Buffer.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The Applicant has proposed to plant approximately 850 sq ft of native trees and shrubs within the woodland buffer area.
2. The Applicant has proposed to reduce the amount of impervious surface within the protected shoreland by approximately 420 sq ft.

2008-01916 HOWES, DARRYL
PLYMOUTH Loon Lake

Requested Action:

Impact 2,025 sq ft to replace existing primary structure over same footprint.

APPROVE PERMIT:

Impact 2,025 sq ft to replace existing primary structure over same footprint.

With Conditions:

1. All work shall be in accordance with plans by Neil McIver received by the Department of Environmental Services ("DES") on September 15, 2008.
2. No more than 19.75% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will impact no additional unaltered areas located within the woodland buffer.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-01918 BAE SYSTEMS NCA
NASHUA Nashua River

Requested Action:

Fill in discontinued/deteriorated penstocks beneath an existing building and install a fire suppression line and hydrant.

APPROVE PERMIT:

Fill in discontinued/deteriorated penstocks beneath an existing building and install a fire suppression line and hydrant.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated August 22, 2008 and received by the Department of Environmental Services ("DES") on September 15, 2008.
2. No portion of the lot within the protected shoreland shall be covered by additional impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 5,182 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,591 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-01927 DARTMOUTH COLLEGE, WINSTON CHAMBERS
HANOVER Connecticut River

Requested Action:

Impact 2,880 sq ft within the protected shoreland for the replacement an existing timber and gravel stairway with proposed concrete stairs, the construction of a settling basin and rip rap swale, and the replacement of an existing concrete ditch with proposed cobble stones.

APPROVE PERMIT:

Impact 2,880 sq ft within the protected shoreland for the replacement an existing timber and gravel stairway with proposed concrete stairs, the construction of a settling basin and rip rap swale, and the replacement of an existing concrete ditch with proposed cobble stones.

With Conditions:

1. All work shall be in accordance with plans by Otter creek Engineering dated August 9, 2008 and received by the Department of Environmental Services ("DES") on September 15, 2008.
2. No more than 28.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 91,615 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 46,165 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

CSPA PERMIT W/WAIVER

2008-01687 CENDES, ZOLTAN/MARIE
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 8,060 sq ft, 780 sq ft of which are temporary impacts to be restored, to expand a single family dwelling and reconfigure an existing driveway on property having 1.38 acres within protected shorelands.

WAIVER APPROVED: RSA 483-B:9, V is waived to allow expansion of a structure encroaching on the primary building setback.

Conservation Commission/Staff Comments:

10/1/08 @ 11AM RMR called Mr. Dolan and told he he forgot to attach the Shoreland Waiver Form to his packet we recieved 9/26/08. Mr. Dolan said he would get this to us.

APPROVE PERMIT:

Impact 8,060 sq ft, 780 sq ft of which are temporary impacts to be restored, to expand a single family dwelling and reconfigure an existing driveway on property having 1.38 acres within protected shorelands.

WAIVER APPROVED: RSA 483-B:9, V is waived to allow expansion of a structure encroaching on the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by David M. Dolan Associates revised September 25, 2008 and received by the Department of Environmental Services ("DES") on September 26, 2008.
2. No more than 19.08% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 7,857 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The areas to be restored within 150 ft of the reference line shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional buffer is replicated in a manner satisfactory to the DES Wetlands Bureau.
10. This permit is contingent on approval by the DES Subsurface Systems Bureau.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas identified on the plans to remain unaltered.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. No new construction is proposed within the primary building setback.
4. The applicant has proposed to remove 950 sq ft of impervious driveway within the waterfront buffer and replant the area with native plantings and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.